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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

TY THOMAS,

Plaintiff,

vs.

DZURENDA, ET. AL,


Defendant

Case No.: 3:18-cv-00464-MMD-CLB

**MOTION TO WITHDRAW AS COUNSEL
FOR TY THOMAS**

This is undersigned counsel's motion to withdraw as counsel of record for Plaintiff, TY THOMAS, in the above-captioned case. This motion is based on the following memorandum of points and authorities, and the papers and pleadings on file.

DATED this 29th day of June, 2020.


TIMOTHY TREFFINGER
Counsel for TY THOMAS

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MEMORANDUM OF POINTS AND AUTHORITIES

LR IA 11-6(b) provides that “no attorney may withdraw after appearing in a case except by leave of the court after notice has been served on the affected client and opposing counsel.” The pertinent portion of Nevada’s Rule of Professional Conduct 1.16(b) provides that “a lawyer may withdraw from representing a client if: ... (2) The client persists in a course of action involving the lawyer’s services that the lawyer reasonably believes is criminal or fraudulent, (3) The client has used the lawyer’s services to perpetrate a crime or fraud; (4) A client insists upon taking action that the lawyer considers repugnant or with which the lawyer has fundamental disagreement; (5) The client fails to substantially fulfill an obligation to the lawyer regarding the lawyer’s service and has been given reasonable warning that the lawyer will withdraw unless the obligation is fulfilled; (6) The representation will result in an unreasonable financial burden on the lawyer or has been rendered unreasonably difficult by the client; or (7) Other good causes for withdrawal exists.”

In the case at hand Mr. Thomas has already attempted to have counsel withdrawn from this case. (Doc. 19 filed 5/20/2020) This motion was previously denied as the Court found that the motion was improperly before the court as it was not filed by one of the Plaintiff's attorneys.

While there have been the normal differences of opinion between attorney and client, as exist in nearly every case, in this case it appears that the attorney-client relationship has been irreparably damaged to the point where Mr. Thomas has filed a Motion for Withdrawal of attorney, and a request for his file to be transferred to him.

It is counsel's request that a withdrawal be granted here due to the degradation of the attorney-client relationship. It should be noted that appointed counsel is still listed as counsel of record for this matter, and it is believed that they have received some discovery documentation

1 for this case. Attorney Treffinger has not received any further discovery or other documentation
2 since Noticing his appearance.

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4 **I. CONCLUSION**

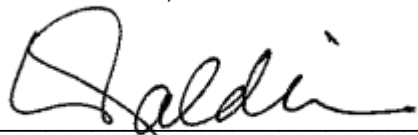
5 Based on the arguments made in this motion, Timothy R. Treffinger, Esq., counsel for TY
6 THOMAS, hereby requests that he be withdrawn from the instant matter, so that Mr. Thomas can
7 proceed with counsel who was appointed prior in this matter.

8 Dated this 29th of June, 2020

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11 _____
12 TIMOTHY TREFFINGER, ESQ.
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15 IT IS SO ORDERED.

16 Dated: June 30, 2020

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19 UNITED STATES MAGISTRATE JUDGE
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